

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONNIE O'NEAL BROWN,

Plaintiff,

No. CIV S-03-2267 FCD PAN P

vs.

EDWARD S. ALAMEIDA, Jr., et al.,

Defendants.

ORDER

_____/

Plaintiff is a former county jail inmate proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

In this case, none of the defendants reside in this district.¹ The claim arose in Los

¹ By order filed December 28, 2005, plaintiff's claims against California Governor Arnold Schwarzenegger were dismissed with leave to amend within forty-five days. Plaintiff did

1 Angeles County, which is in the Central District of California. Therefore, plaintiff's claim
2 should have been filed in the United States District Court for the Central District of California.
3 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the
4 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
5 1974).

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. This matter is transferred to the United States District Court for the Central
8 District of California; and

9 2. The Clerk of the Court is directed to serve a copy of this order on the United
10 States Marshal for the Eastern District of California.

11 DATED: August 15, 2006.

12
13 
14 UNITED STATES MAGISTRATE JUDGE

15 12
16 brow2267.21

17
18
19
20
21
22
23
24
25 not file a second amended complaint. This action is therefore proceeding on the claims raised in
26 the first amended complaint against defendants Phillips, Frazier and Licita, none of whom reside
in this district.